

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|------------------------------------|---|----------------------------|
| SAINT LOUIS UNIVERSITY, |) | |
| a Missouri benevolent corporation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 4:07-cv-01733-CEJ |
| |) | |
| |) | |
| AVIS MEYER, |) | |
| |) | |
| Defendant. |) | |
| |) | |

**DEFENDANT'S OBJECTIONS AND COUNTER-DESIGNATIONS TO PLAINTIFF'S
DISCOVERY DESIGNATIONS**

COMES NOW Defendant Avis Meyer ("Defendant" or "Dr. Meyer"), by and through its undersigned counsel and in accordance with this Court's Case Management Order dated February 7, 2008 (d/e 12), to hereby submit his Objections and Counter-designations to Plaintiff's Discovery Designations (d/e 84), as follows:

I. Deposition Designations

A. Avis Meyer Deposition of June 4, 2008

| From | To | Objection | Counter-designations |
|-------------|-----------|--|-----------------------------|
| 13:9 | 16:20 | Relevancy, Vague, Foundation | 199: 11-24 |
| 22:17 | 23:4 | Relevancy, Mischaracterization of Testimony, Vague | 199: 11-24 |
| 23:8-12 | | Relevancy, Foundation | 199: 11-24 |
| 23:18-20 | | Relevancy, Foundation | 199: 11-24 |
| 23:22-25 | | Relevancy, Foundation | 199: 11-24 |

| | | | |
|-----------|-------|---|------------|
| 24:5 | 25:3 | Relevancy, Foundation | 199: 11-24 |
| 25:15 | 27:1 | Relevancy, Foundation, Hearsay | 199: 11-24 |
| 28:8-12 | | Relevancy | |
| 28:18 | 34:9 | Relevancy | |
| 34:15 | 35:7 | Relevancy | |
| 36:4-16 | | Relevancy | |
| 37:22-25 | | Relevancy | |
| 46:21 | 47:12 | Relevancy | |
| 54:9 | 55:6 | Relevancy, Foundation | |
| 60:9-25 | | Relevancy, Foundation | |
| 62:16 | 63:25 | Relevancy, Foundation, Hearsay | |
| 65:3-5 | | Relevancy, Foundation, Designation of Answer Without Question | |
| 65:9-20 | | Relevancy, Foundation, Hearsay, Designation of Answer Without Question | |
| 66:11-23 | | Relevancy | |
| 67:14 | 68:7 | Relevancy | |
| 68:25 | 69:22 | Relevancy | |
| 77:20-25 | | Relevancy, Calls For Legal Conclusion | |
| 78:22 | 79:4 | Relevancy | |
| 93:23 | 95:15 | Relevancy, Foundation | |
| 95:24 | 96:7 | Relevancy | |
| 96:13-18 | | Relevancy | |
| 100:11 | 106:7 | Relevancy, Hearsay | |
| 109:6 | 110:3 | Relevancy, Hearsay | |
| 110:12-25 | | Relevancy, Hearsay | |
| 111:8 | 112:6 | Relevancy | |
| 116:12-16 | | Relevancy, | |

| | | | |
|-----------|--------|--|---------------------|
| | | Speculation, Calls For Legal Conclusion | |
| 116:21-23 | | Relevancy, Calls For Legal Conclusion | |
| 117:19 | 121:14 | Relevancy | 149:8-12; 197:10-13 |
| 123:9-18 | | Relevancy, Foundation | 149:8-12; 197:10-13 |
| 130:5 | 132:2 | Relevancy, Hearsay | |
| 132:8 | 135:6 | Relevancy, Calls For Facts Not In Evidence, Mischaracterizes Testimony | |
| 139:20 | 140:15 | Vague Asked And Answered, Mischaracterizes Testimony | |
| 149:8 | 152:18 | Relevancy, Mischaracterizes Testimony, Foundation | |
| 154:21 | 157:13 | Relevancy | |
| 158:6 | 160:6 | Relevancy, Calls For Facts Not In Evidence, Hearsay | |
| 162:5 | 163:19 | Relevancy, Hearsay | |
| 163:23 | 165:16 | Relevancy, Vague, Foundation, Hearsay | |
| 179:15 | 180:24 | Relevancy, Attorney-Client Privilege | |
| 181:10 | 185:1 | Relevancy, Hearsay | |
| 185:4 | 189:6 | Relevancy, Foundation | |
| 189:19 | 192:18 | Relevancy, Hearsay | |
| 193:7-14 | | Relevancy, Hearsay | |
| 193:17 | 194:19 | Relevancy, Hearsay | |
| 202:21 | 204:15 | Relevancy, Attorney-Client Privilege | |

B. Diana Benanti Deposition of June 12, 2008

| From | To | Objection | Counter-designations |
|-----------|--------|-----------------------------------|----------------------|
| 20:22 | 21:22 | Relevancy | |
| 22:1-22 | | Relevancy | |
| 23:21 | 24:24 | Relevancy | |
| 31:7 | 34:13 | Relevancy, Hearsay, | |
| 45:15 | 49:20 | Relevancy, Hearsay, | |
| 66:4-11 | | Relevancy, Hearsay | |
| 84:18 | 86:3 | Relevancy, Hearsay | |
| 95:17 | 97:7 | Relevancy, Hearsay | |
| 97:21 | 101:21 | Relevancy, Hearsay | |
| 105:22 | 107:7 | Relevancy, Hearsay | |
| 107:18-22 | | Relevancy, Hearsay | |
| 108:8 | 114:7 | Relevancy, Hearsay, | |
| 115:2 | 116:24 | Relevancy, Hearsay, | |
| 118:19 | 120:7 | Relevancy, | |
| 120:23 | 121:2 | Relevancy | |
| 121:17 | 123:10 | Relevancy, | |
| 124:5 | 126:1 | Relevancy, | |
| 126:14-22 | | Relevancy, | |
| 129:15 | 132:6 | Relevancy, Hearsay | |
| 133:17 | 134:16 | Relevancy, Foundation | |
| 137:16 | 139:14 | Relevancy, Hearsay, Foundation | |
| 141:8 | 142:13 | Relevancy, Hearsay, Foundation | |

Furthermore, Defendant reserves the right to assert additional grounds for objection depending upon the use of any discovery materials at trial.

Respectfully Submitted,

POLSTER, LIEDER, WOODRUFF &
LUCCHESI, L.C.

By: s/Brian J. Gill

Brian J. Gill, MoBar. #57,324

Nelson D. Nolte

12412 Powerscourt Drive, Suite 200

St. Louis, Missouri 63131-3615

(314) 238-2400

(314) 238-2401 (fax)

E-mail: bgill@patpro.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2009, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Frank B. Janoski, #3480
Bridget Hoy, #109375
Lewis, Rice & Fingersh, L.C.
500 North Broadway, Suite 2000
St. Louis, Missouri 63102
T (314) 444-7600
F (314) 241-6056

ATTORNEYS FOR PLAINTIFF

s/Brian J. Gill